

## PATENT

REMARKS

This paper is responsive to the Final Office Action dated December 16, 2004. Claims 2-15, 17-35, 37-49, and 51-61 were examined. Claims 58 and 59 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 2-4, 6-11, 25-32, 34, and 61 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,370,148 to Calvignac et al. Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Calvignac in view of U.S. Patent No. 4,648,029 to Cooper et al. Claim 33 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Calvignac in view of U.S. Patent No. 5,835,491 to Davis et al. and further in view of U.S. Patent No. 4,760,521 to Rehwald et al. Claims 35-49, 51-57, and 60 are allowed. Claims 12-15 and 17-24 are objected to as being dependent upon a rejected base claim.

Information Disclosure Statement

Applicants respectfully request the Examiner to consider references AR-AT cited on pages 1-3, and 5 of the Information Disclosure Statement form 1449 dated September 7, 2000, and return an initialed copy of the form 1449. Copies of these references were submitted with the form 1449, and received by the USPTO as indicated by the return postcard dated, September 12, 2000. Additional copies of these references and a copy of the Form 1449 filed on September 7, 2000 were provided with the communication dated July 28, 2004, and received by the USPTO as indicated by the return postcard dated, July 28, 2004. In addition, Applicants respectfully request the Examiner to consider the references cited on the Information Disclosure Statement forms PTO/SB/08A and PTO/SB/08B dated December 10, 2004 and return an initialed copy of those forms.

Rejections Under 35 U.S.C § 112, second paragraph

Claims 58 and 59 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Regarding claim 58, the Final Office Action states:

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Claim 58 recites that the first instruction is for receiving 'an indication of the grants' and the second instruction is for accepting 'one of the grants.' These limitations are confusing. The first instruction does not allow the arbiter to receive the actual grant but rather it receives 'an indication' of the grant. Therefore, how can the second instruction accept the actual grant itself. It appears as though the claim should recite that the first instruction receives the grants and not just the 'indication' of the grants.

Applicants respectfully point the Examiner to the preamble of claim 58 which recites:

A computer program product encoded in at least one computer readable medium to implement an arbitration mechanism to determine which of a plurality of grants received by a requester from a plurality of resources, to accept.

The Final Office Action states further that

Claim 58 also recited that the priority used by arbitration mechanism is inversely related to a number of requests 'received by a resource.' This limitation is confusing. The specification discloses that the arbiter receives the request and grants access to the requesters based on the priority. Thus the requests are not actually received by the resources themselves.

Applicants respectfully point the Examiner to the specification, at least the paragraph beginning at page 16, line 5, which describes an exemplary distributed version of the arbiter. Applicants respectfully maintain that the limitations of claim 58, satisfy the requirements of 35 U.S.C. § 112, second paragraph. See MPEP § 2173.02. Accordingly, Applicants respectfully request that the rejection of claims 58, and all claims dependent thereon be withdrawn.

Rejections Under 35 U.S.C § 102

Claims 2-4, 6-11, 25-32, 34, and 61 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,370,148 to Calvignac et al. Regarding claim 2, Applicants respectfully maintain that Calvignac fails to teach or suggest

requesters supplying respective requester priority indications to at least the one resource,

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as recited by claim 2. Calvignac teaches an “arbiter for arbitrating requests by a plurality of first data processing units for access to a plurality of second data processing units interconnected by a switching system of a type in which at any time each first unit can only access one second unit and each second unit can only be accessed by one first unit.” (Col. 2, lines 21-26) Calvignac fails to teach that the requesters supply respective requester priority indications to at least the one resource. The Office Action mailed April 29, 2004 (hereinafter, the Office Action) refers to Figures 1, 3, and 5 of Calvignac to teach that the requesters supply respective requester priority indications to at least the one resource, relying on the input adapters of Calvignac sending requests to the arbiter, “thus they are providing requester priority indications.” Although these portions of Calvignac teach information used to determine priority being provided to the arbiter, Calvignac fails to teach or suggest that the requesters supply respective requester priority indications to the resource, as required by claim 2.

The Final Office Action responds to this argument stating that “[t]he arbiter of Calvignac can also be considered a ‘resource’ of the system and thus the priority information is received by one of the resources”. Applicants respectfully maintain that the arbiter of Calvignac is not a ‘resource’ as recited by claim 2. Claim 2 requires

receiving at one resource of a plurality of resources,  
requests for the one resource from a plurality of  
requesters.

Characterizing the arbiter of Calvignac as ‘a resource’ does not satisfy the requirements of claim 2 because the arbiter of Calvignac does not receive requests for the arbiter.

Thus, Calvignac, alone or in combination with other references of record, fails to teach or suggest the limitations recited in claim 2. Accordingly, Applicants respectfully request that the rejection of claim 2 and all claims dependent thereon, be withdrawn.

#### Rejections Under 35 U.S.C § 103

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Calvignac in view of U.S. Patent No. 4,648,029 to Cooper et al. Applicants respectfully maintain that this claim depends from an allowable claim and is allowable for at least this reason.

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Claim 33 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Calvignac in view of U.S. Patent No. 5,835,491 to Davis et al. and further in view of U.S. Patent No. 4,760,521 to Rehwald et al. Applicants respectfully maintain that this claim depends from an allowable claim and is allowable for at least this reason.

Allowable Subject Matter

Applicants appreciate the allowance of claims 35-49, 51-57, and 60.

Applicants appreciate the indication of allowable subject matter in claims 12-15 and 17-24. These claims are objected to as being dependent upon a rejected base claim. However, claims 12 and 17 were put in independent form by an amendment in the Response to Non-Final Office Action mailed February 13, 2004. Accordingly, Applicants respectfully request the allowance of these claims and the claims dependent thereon.

In summary, claims 2-15, 17-35, 37-49, and 51-61 are in the case. All claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

<b><u>CERTIFICATE OF MAILING OR TRANSMISSION</u></b>	
I hereby certify that, on the date shown below, this correspondence is being	
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 Nicole Teitler Cave	<u>2/16/05</u> Date

Respectfully submitted,



Nicole Teitler Cave, Reg. No. 54,021  
Attorney for Applicant(s)  
(512) 338-6315  
(512) 338-6301 (fax)

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